

REMARKS

Claims 1, 4, 8-10, 15, 33-36, 40, 44, 49, and 54 are pending in this application. Claims 1 and 33-36 are independent claims. Claims 1, 8, and 33-36 are amended. Claims 2-3, 5-7, 11-14, 16-32, 37-39, 41-43, 45-48, and 50-53 are canceled.

Examiner Interview

The Applicants thank the Examiner for the polite and friendly interview conducted on April 28, 2009.

Initially, the Applicants and the Examiner discussed the information disclosure statement (IDS) filed on June 23, 2008. In the Office Action dated March 17, 2009, the Examiner asserted the IDS failed to comply with 37 C.F.R. § 1.98(a)(2) alleging that JP 2001-86458 cited in the IDS was not submitted to the United States Patent and Trademark Office. During the course of the interview, the Examiner was able to find the reference in PAIR. Accordingly, the Examiner agreed the objection to the IDS was in error and agreed to consider the reference.

The interview also focused on whether or not the prior art disclosed asynchronous reproduction of audio and picture data. During the interview, the Applicant's representative and the Examiner discussed, at length, paragraphs [0282] and [0283] as well as figures 39 and 40 of Kato's disclosure. The Applicant's representative and Examiner agreed that the sync_start PTS_of_Playitem corresponds to a PTS of the Main_path (see FIG. 39). Accordingly, the Applicant's representative and the Examiner agreed that because Kato's subplayitem includes the sync_start PTS_of _Playitem, that Kato discloses audio data having a start time synchronized with the main path, as shown in FIG. 39.

However, the Examiner asserted that after the initial synchronization, the audio data and main data are reproduced asynchronously and independently from one another. Accordingly, the Examiner asserted Kato teaches asynchronous reproduction of picture and audio data.

Claim Rejections – 35 U.S.C. § 103

Claims 1, 2, 4, 8-11, 15, 33, 34, 38, 40, 42 and 44 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US 6,122,436 (Okada), US 6,580,870 (Kanazawa), US 2002/0145702 (Kato) and US 6,157,769 (Yoshimura et al). The Applicants respectfully traverse.

Initially, the Applicants note that independent claims 1 and 33-36 are amended to recite “the start time of the audio data using the at least one sub-playitem being independent from the still picture units using the at least one playitem.” The Applicants submit that at least this feature distinguishes the independent claims from the cited art for the following reasons.

Kato discloses a playlist including information for both playitems and sub-playitems (see FIG. 25). The syntax of the playitem is disclosed in FIG. 32 of Kato’s disclosure and the syntax of the sub-playitem is disclosed in FIG. 40. According to Kato’s disclosure, the sub-playitem is used for reproducing audio data (see paragraph [0282]). As shown in FIG. 40, Kato’s sub-playitem includes a sync_start PTS_of_Playitem field for specifying the time of starting a subpath reproduction on a main path time axis (see FIG. 39, see also paragraphs [0282] and [0283]). The sync_start PTS_of_Playitem corresponds to a presentation time stamp (PTS) of a playitem (see FIG. 39). As shown in FIG. 39, Kato’s subplayitem is initially synchronized with a PTS of the playitem (which according to the Examiner indicates an in-point and an out-point of a clip file for reproducing presentation data, see page 7 of the Office Action), therefore, Kato’s start time for the audio data, as managed by the sub-playitem, is **dependent** on a presentation time stamp of the playitem. Because Kato’s start time of audio data using a sub-playitem is dependent on a playitem, Kato cannot be relied on for disclosing “the start time of the audio data using the at least one sub-playitem being **independent** from the still picture units using the at least one playitem,” as recited in claims 1 and 33-36.

Yoshimura discloses a recording apparatus and a method for recording data. However, in Yoshimura’s disclosure, the Audio and Video data are synchronized (see column 21, lines 1-12). Accordingly, the Applicants submit Yoshimura cannot be relied on for disclosing, at least, “the start time of the audio data using the at least one sub-playitem being **independent** from the still picture units using the at least one playitem,” as recited in claims 1 and 33-36.

The Examiner, on page 6 of the Office Action, admits that neither Okada nor Kanazawa disclose reproducing the audio and still pictures asynchronously. Accordingly, the Applicants submit the Examiner cannot rely on either reference for disclosing "the start time of the audio data using the at least one sub-playitem being independent from the still picture units using the at least one playitem," as recited in claims 1 and 33-36.

As discussed above, none of the cited art (Okada, Kanazawa, Yoshimura, or Kato) teach, suggest, or disclose, at least, "the start time of the audio data using the at least one sub-playitem being independent from the still picture units using the at least one playitem," as recited in claims 1 and 33-36. Accordingly, the Applicants submit the combination of Okada, Kanazawa, Yoshimura, and Kato cannot be relied on for rendering claims 1 and 33-36 obvious.

For at least the reasons given above, the Applicants respectfully request the rejection of claims 1 and 33-36, and all claims which depend thereon, under 35 U.S.C. § 103 as being obvious over the combination of Okada, Kanazawa, Yoshimura, and Kato be withdrawn.

Claims 6, 7, 37 and 41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US 6,122,436 (Okada), US 6,580,870 (Kanazawa), US 2002/0145702 (Kato), and US 6,157,769 (Yoshimura) as applied to claims 1-2, 4, 8-11, 15, 33-34, 38, 40, 42 and 44, and further in view of US 6,353,702 (Ando). Applicants respectfully traverse this rejection.

Initially, the Applicants note that claims 6, 7, 37, and 41 are canceled. Accordingly, the Applicants submit the rejections associated with these claims are moot.

Claims 35-36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US 6,122,436 (Okada), US 6,580,870 (Kanazawa), US 2002/0145702 (Kato), US 6,157,769 (Yoshimura), and further in view of US 2004/0141436 (Monaghan). Applicants respectfully traverse this rejection.

Initially, the Applicants submit that claims 35 and 36 are nonobvious over the combination of Okada, Kanazawa, Yoshimura, and Kato at least because none of the references teach, suggest, or disclose "the start time of the audio data using the at

least one sub-playitem being independent from the still picture units using the at least one playitem." The Applicants further submit that Monaghan fails to cure this deficiency. Accordingly, even if one skilled in the art did combine Okada, Kanazawa, Yoshimura, and Kato with Monaghan, the combination would not render claims 35 and 36 obvious.

For at least the reasons given above, the Applicants respectfully request the rejection of claims 35 and 36 under 35 U.S.C. § 103 as being obvious over the combination of Okada, Kanazawa, Yoshimura, Kato, and Monaghan be withdrawn.

Claims 45-47, 49-52, and 54 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US 6,122,436 (Okada), US 6,580,870 (Kanazawa et al.), US 2002/0145702 (Kato), US 6,157,769 (Yoshimura), and US 2004/0141436 (Monaghan) as applied to claims 1-2, 4, 8-11, 15, 33-34, 38, 40, 42, and 44, and further in view of US 6,353,702 (Ando). Applicants respectfully traverse.

Initially, the Applicants submit that claims 35 and 36 are nonobvious over the combination of Okada, Kanazawa, Yoshimura, Kato, and Monaghan at least because none of the references teach, suggest, or disclose "the start time of the audio data using the at least one sub-playitem being independent from the still picture units using the at least one playitem." The Applicants further submit that Ando fails to cure this deficiency. Accordingly, even if one skilled in the art did combine Okada, Kanazawa, Yoshimura, Kato and Monaghan with Ando, the combination would not render claims 35 and 36 obvious. Accordingly, the Applicants submit claims 49 and 54 are nonobvious over the combination of Kanazawa, Yoshimura, Kato, Monaghan and Ando at least by virtue of their dependency on claims 35 and 36.

Regarding claims 45-47 and 50-52, the Applicants note these claims are canceled. Accordingly, the Applicants submit the rejections associated with claims 45-47 and 50-52 are moot.

For at least the reasons given above, the Applicants respectfully request the rejection of claims 45-47, 49-52, and 54 under 35 U.S.C. § 103 as being obvious over the combination of Okada, Kanazawa, Yoshimura, Kato, Monaghan, and Ando be withdrawn.

CONCLUSION

In view of the above remarks and amendments, Applicants respectfully submit that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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